

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY MAY 11, 2011

AMENDED IN ASSEMBLY MAY 2, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 374

Introduced by Assembly Member Hayashi

February 14, 2011

An act to add Chapter 5.8 (commencing with Section 2697.2) to Division 2 of, and to repeal Section 2697.8 of, the Business and Professions Code, relating to athletic trainers. An act to add Chapter 2.7 (commencing with Section 18898) to Division 8 of the Business and Professions Code, relating to athletic trainers.

LEGISLATIVE COUNSEL'S DIGEST

AB 374, as amended, Hayashi. ~~Athletic trainers.~~ *Athletic.*

Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would make it unlawful for any person to hold himself or herself out as a certified athletic trainer unless he or she has been certified by the Board of Certification, Inc., and has either graduated from a college or university, after completing an accredited athletic training education program, as specified, or completed requirements for certification by the Board of Certification, Inc., prior to January 1, 2004. The bill would make it an unfair business practice to violate these provisions.

~~Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.~~

~~This bill would, commencing January 1, 2013, provide for the licensure and regulation of athletic trainers, as defined, by an Athletic Trainer Licensing Committee, to be established by the bill within the Medical Board of California. Under the bill, the committee would be comprised of 7 members, as specified, appointed by the Governor, subject to Senate confirmation, the Senate Committee on Rules, and the Speaker of the Assembly. The bill would, except as specified, prohibit a person from practicing as an athletic trainer or using certain titles without a license issued by the committee. The bill would require an applicant for licensure to meet certain educational requirements, pass a specified examination, hold specified athletic trainer certification, possess emergency cardiac care certification, and submit an application and pay an application and processing fee established by the committee. The bill would require the committee to issue a license to an applicant who qualifies for licensure and pays a specified license fee. The bill would also specify that a license shall be valid for 2 years and is subject to renewal upon the completion of specified requirements including the payment of a renewal fee. The bill would define the practice of athletic training and prescribe supervision and other requirements on athletic trainers. The bill would create the Athletic Trainers Account, within the Contingent Fund of the Medical Board of California, would direct the deposit of the application and renewal fees into this account, and would make those fees available to the committee subject to appropriation by the Legislature.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes-no.~~
~~State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 *SECTION 1. Chapter 2.7 (commencing with Section 18898)*
 2 *is added to Division 8 of the Business and Professions Code, to*
 3 *read:*

4
 5 *CHAPTER 2.7. ATHLETIC TRAINERS*

6
 7 18898. (a) *No person shall hold himself or herself out to be a*
 8 *certified athletic trainer unless he or she meets the following*
 9 *requirements:*

1 (1) *He or she has done either of the following:*

2 (A) *Graduated from a college or university after completing an*
3 *athletic training education program accredited by the Commission*
4 *on Accreditation of Athletic Training Education, or its predecessors*
5 *or successors.*

6 (B) *Completed requirements for certification by the Board of*
7 *Certification, Inc., prior to January 1, 2004.*

8 (2) *He or she has been certified by the Board of Certification,*
9 *Inc.*

10 (b) *It is an unfair business practice within the meaning of*
11 *Chapter 5 (commencing with Section 17200) of Part 2 of Division*
12 *7 for any person to use the title of “certified athletic trainer” or*
13 *any other term, such as “licensed,” “registered,” or “ATC,” that*
14 *implies or suggests that the person is certified as an athletic*
15 *trainer, if the person does not meet the requirements of subdivision*
16 *(a).*

17 ~~SECTION 1. The Legislature finds and declares the following:~~

18 ~~(a) California is one of only three states that does not currently~~
19 ~~regulate the practice of athletic training. This continued lack of~~
20 ~~regulation creates the risk that individuals who have lost or are~~
21 ~~unable to obtain licensure in another state will come to California~~
22 ~~to practice, thereby putting the public in danger and degrading the~~
23 ~~standards of the profession as a whole.~~

24 ~~(b) There is a pressing and immediate need to regulate the~~
25 ~~profession of athletic training in order to protect the public health,~~
26 ~~safety, and welfare. This need is particularly important because~~
27 ~~athletic trainers often work with schoolage children.~~

28 ~~SEC. 2. Chapter 5.8 (commencing with Section 2697.2) is~~
29 ~~added to Division 2 of the Business and Professions Code, to read:~~

30
31 ~~CHAPTER 5.8. ATHLETIC TRAINERS~~
32

33 ~~2697.2. This chapter shall be known and may be cited as the~~
34 ~~Athletic Trainers Practice Act.~~

35 ~~2697.4. For the purposes of this chapter, the following~~
36 ~~definitions shall apply:~~

37 ~~(a) “Athletic trainer” means a person who meets the~~
38 ~~requirements of this chapter and is licensed by the committee.~~

39 ~~(b) “Board” means the Medical Board of California.~~

1 ~~(e) “Committee” means the Athletic Trainer Licensing~~
2 ~~Committee.~~

3 ~~2697.6. (a) No person shall engage in the practice of athletic~~
4 ~~training unless licensed pursuant to this chapter.~~

5 ~~(b) No person shall use the title “athletic trainer,” “licensed~~
6 ~~athletic trainer,” “certified athletic trainer,” “athletic trainer~~
7 ~~certified,” “a.t.,” “a.t.l.,” “c.a.t.,” “a.t.c.,” or any other variation of~~
8 ~~these terms, or any other similar terms indicating that the person~~
9 ~~is an athletic trainer unless that person is licensed pursuant to this~~
10 ~~chapter.~~

11 ~~(c) Notwithstanding subdivisions (a) and (b), a person who~~
12 ~~practiced athletic training in California for a period of seven~~
13 ~~consecutive years prior to January 1, 2013, may use the title~~
14 ~~“athletic trainer” without being licensed by the committee.~~
15 ~~However, on and after January 1, 2016, no person may use the~~
16 ~~title “athletic trainer” unless he or she is licensed by the committee~~
17 ~~pursuant to the provisions of this chapter.~~

18 ~~2697.8. (a) There is established an Athletic Trainer Licensing~~
19 ~~Committee within the Medical Board of California. The committee~~
20 ~~shall consist of seven members.~~

21 ~~(b) The seven committee members shall include the following:~~

22 ~~(1) Four licensed athletic trainers. Initially, the committee shall~~
23 ~~include four athletic trainers who have satisfied the requirements~~
24 ~~of subdivision (a) of Section 2697.12 and who will satisfy the~~
25 ~~remainder of the licensure requirements described in Section~~
26 ~~2697.12 as soon as it is practically possible.~~

27 ~~(2) One public member.~~

28 ~~(3) Two licensees, in any combination, chosen from the~~
29 ~~following: physicians and surgeons licensed by the board,~~
30 ~~osteopathic physicians and surgeons licensed by the Osteopathic~~
31 ~~Medical Board of California, or doctors of chiropractic licensed~~
32 ~~by the State Board of Chiropractic Examiners.~~

33 ~~(c) Subject to confirmation by the Senate, the Governor shall~~
34 ~~appoint two of the licensed athletic trainers and the public member.~~
35 ~~The Senate Committee on Rules and the Speaker of the Assembly~~
36 ~~shall each appoint a licensed athletic trainer and a physician and~~
37 ~~surgeon, an osteopathic physician and surgeon, or a doctor of~~
38 ~~chiropractic as described in paragraph (3) of subdivision (b).~~

1 ~~(d) (1) All appointments shall be for a term of four years and~~
2 ~~shall expire on June 30 of the year in which the term expires.~~
3 ~~Vacancies shall be filled for any unexpired term.~~

4 ~~(2) Notwithstanding paragraph (1), for initial appointments~~
5 ~~made on or after January 1, 2013, the public member appointed~~
6 ~~by the Governor shall serve a term of one year. Two of the athletic~~
7 ~~trainers appointed by the Senate Committee on Rules and the~~
8 ~~Speaker of the Assembly shall serve terms of three years, and the~~
9 ~~remaining members shall serve terms of four years.~~

10 ~~(e) Each member of the committee shall receive per diem and~~
11 ~~expenses as provided in Section 103.~~

12 ~~(f) This section shall remain in effect only until January 1, 2018,~~
13 ~~and as of that date is repealed, unless a later enacted statute, that~~
14 ~~is enacted before January 1, 2018, deletes or extends that date. The~~
15 ~~repeal of this section renders the committee subject to the review~~
16 ~~required by Article 7.5 (commencing with Section 9147.7) of the~~
17 ~~Government Code.~~

18 ~~2697.10. (a) The committee shall adopt, repeal, and amend~~
19 ~~regulations as may be necessary to enable it to carry into effect~~
20 ~~the provisions of this chapter. All regulations shall be in accordance~~
21 ~~with the provisions of this chapter.~~

22 ~~(b) In promulgating regulations, the committee may consult the~~
23 ~~professional standards issued by the National Athletic Trainers'~~
24 ~~Association, the Board of Certification, Inc., or any other nationally~~
25 ~~recognized professional association.~~

26 ~~(c) The committee shall approve programs for the education~~
27 ~~and training of athletic trainers.~~

28 ~~(d) Protection of the public shall be the highest priority for the~~
29 ~~committee in exercising its licensing, regulatory, and disciplinary~~
30 ~~functions. Whenever the protection of the public is inconsistent~~
31 ~~with other interests sought to be promoted, the protection of the~~
32 ~~public shall be paramount.~~

33 ~~2697.12. In order to qualify for a license, an applicant shall~~
34 ~~meet all of the following requirements:~~

35 ~~(a) Has submitted an application developed by the committee~~
36 ~~that includes evidence that the applicant has completed athletic~~
37 ~~trainer certification eligibility requirements from a nationally~~
38 ~~accredited athletic training education program at a four-year college~~
39 ~~or university approved by the committee.~~

1 ~~(b) Has passed an athletic training certification examination~~
2 ~~offered by a nationally accredited athletic trainer certification~~
3 ~~agency approved by the committee.~~

4 ~~(c) Holds current athletic training certification from a nationally~~
5 ~~accredited athletic trainer certification agency approved by the~~
6 ~~committee.~~

7 ~~(d) Possesses an emergency cardiac care certification from a~~
8 ~~certification body, approved by the committee, that adheres to the~~
9 ~~most current international guidelines for cardiopulmonary~~
10 ~~resuscitation and emergency cardiac care.~~

11 ~~(e) Has paid the application and processing fee established by~~
12 ~~the committee, as described in Section 2697.16.~~

13 ~~2697.13. The committee shall issue a license to an applicant~~
14 ~~who satisfies the requirements described in Section 2697.12 and~~
15 ~~pays a license fee, as described in Section 2697.16.~~

16 ~~2697.14. A license issued by the committee pursuant to Section~~
17 ~~2697.12 shall be valid for two years and thereafter shall be subject~~
18 ~~to the renewal requirements described in Sections 2697.16 and~~
19 ~~2697.18.~~

20 ~~2697.16. (a) Each applicant for licensure shall pay a~~
21 ~~nonrefundable application and processing fee, to be fixed as~~
22 ~~described in subdivision (b), at the time the application is filed.~~

23 ~~(b) The application and processing fee shall be fixed by the~~
24 ~~committee by May 1 of each year, to become effective on July 1~~
25 ~~of that year. The fee shall be fixed in an amount necessary to cover~~
26 ~~the reasonable regulatory costs of processing applications pursuant~~
27 ~~to this chapter as projected for the fiscal year commencing on the~~
28 ~~date the fees become effective.~~

29 ~~(c) Each applicant who qualifies for licensure, as a condition~~
30 ~~precedent to the issuance of a license shall pay an initial license~~
31 ~~fee in an amount fixed by the committee consistent with this section~~
32 ~~in an amount sufficient to cover the reasonable regulatory costs~~
33 ~~of carrying out the provisions of this chapter.~~

34 ~~(d) The biennial renewal fee shall be fixed by the committee~~
35 ~~consistent with this section and shall be sufficient to cover the~~
36 ~~reasonable regulatory costs of carrying out the provisions of this~~
37 ~~chapter.~~

38 ~~2697.18. The committee shall renew a license if an applicant~~
39 ~~meets all of the following requirements:~~

40 ~~(a) Pays the renewal fee as established by the committee.~~

1 ~~(b) Submits proof of satisfactory completion of continuing~~
2 ~~education, as determined by the committee.~~

3 ~~(c) Submits proof of current emergency cardiac care certification~~
4 ~~meeting the requirements of subdivision (c) of Section 2697.12.~~

5 ~~(d) Demonstrates that his or her license is otherwise in good~~
6 ~~standing, including, that the applicant for renewal possesses a~~
7 ~~current, unencumbered certification from a nationally accredited~~
8 ~~athletic trainer certification agency approved by the committee.~~

9 ~~2697.20. (a) The practice of athletic training is the professional~~
10 ~~treatment of a patient for risk management and injury and illness~~
11 ~~prevention; the clinical evaluation and assessment of a patient for~~
12 ~~an injury or illness sustained or exacerbated while participating in~~
13 ~~physical activity, or both; the immediate care and treatment of a~~
14 ~~patient for an injury or illness sustained or exacerbated while~~
15 ~~participating in physical activity, or both; and the rehabilitation~~
16 ~~and reconditioning of a patient's injury or illness, or both. An~~
17 ~~athletic trainer shall refer a patient to an appropriate licensed health~~
18 ~~care provider when the treatment or management of the injury,~~
19 ~~illness, or condition is not within the scope of practice of an athletic~~
20 ~~trainer.~~

21 ~~(b) No licensee shall provide, offer to provide, or represent that~~
22 ~~he or she is qualified to provide any treatment that he or she is not~~
23 ~~qualified to perform by his or her education, training, or experience;~~
24 ~~or that he or she is otherwise prohibited by law from performing.~~

25 ~~(c) Nothing in this chapter shall authorize an athletic trainer to~~
26 ~~perform grade 5 joint mobilizations.~~

27 ~~(d) An athletic trainer shall render treatment under the direction~~
28 ~~of a physician and surgeon licensed by the board, an osteopathic~~
29 ~~physician and surgeon licensed by the Osteopathic Medical Board~~
30 ~~of California, or a doctor of chiropractic licensed by the State~~
31 ~~Board of Chiropractic Examiners who shall order and oversee the~~
32 ~~athletic trainer and shall be responsible for the athletic training~~
33 ~~activities performed by the athletic trainer. This direction shall be~~
34 ~~provided by verbal order when the directing physician and surgeon,~~
35 ~~osteopathic physician and surgeon, or doctor of chiropractic is~~
36 ~~present and by written order or by athletic training treatment plans~~
37 ~~or protocols, to be established by the physician and surgeon,~~
38 ~~osteopathic physician and surgeon, or doctor of chiropractic, when~~
39 ~~the directing physician and surgeon, osteopathic physician and~~
40 ~~surgeon, or doctor of chiropractic is not present.~~

~~(e) Notwithstanding any other provisions of law and consistent with the provisions of this chapter, the committee may establish other alternative mechanisms for the adequate supervision of an athletic trainer.~~

~~2697.22. The requirements of this chapter do not apply to the following:~~

~~(a) An athletic trainer licensed, certified, or registered in another state who is in California temporarily to engage in the practice of athletic training for, among other things, an athletic or sporting event.~~

~~(b) An athletic trainer licensed, certified, or registered in another state who is invited by a sponsoring organization, such as the United States Olympic Training Center, to temporarily provide athletic training services under his or her state's scope of practice.~~

~~(c) A student enrolled in an athletic training education program, while participating in educational activities under the supervision and guidance of an athletic trainer licensed under this chapter.~~

~~(d) A member of the United States Armed Forces, licensed, certified, or registered in another state, as part of his or her federal employment in California for a limited time.~~

~~2697.24. Nothing in this chapter shall be construed to limit, impair, or otherwise apply to the practice of any person licensed and regulated under any other chapter of Division 2 (commencing with Section 500).~~

~~2697.26. The committee may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon an athletic trainer's license after a hearing for unprofessional conduct that includes, but is not limited to, a violation of this chapter or the regulations adopted by the committee pursuant to this chapter.~~

~~2697.28. There is established in the Contingent Fund of the Medical Board of California the Athletic Trainers Account. All fees collected pursuant to this chapter shall be paid into the account. These fees shall be available to the committee, upon appropriation by the Legislature, for the regulatory purpose of carrying out the provisions of this chapter.~~

1 2697.30. ~~This chapter shall become operative on January 1,~~
2 2013.

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